

ESTTA Tracking number: **ESTTA175764**

Filing date: **11/20/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178899
Party	Defendant Roochi Traders Incorporated
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Submission	Request to Withdraw as Attorney
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Signature	/amkindred/
Date	11/20/2007
Attachments	TTABmtnWithdraw111907.pdf (4 pages)(94933 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Head Technology GmbH,

Opposition No. 91178899

Opposer/Plaintiff

v.

Roochi Traders Incorporated,

Applicant/Defendant

REQUEST TO WITHDRAW AS ATTORNEY

Pursuant to 37 C.F.R. § 2.19(b), Crystal A. Zarpas and Alan M. Kindred (Of Counsel) with the law firm of Mann & Zarpas, LLP hereby request permission to withdraw as Applicant's attorneys of record in the above-captioned proceeding. The grounds for this request are that Applicant has failed to pay one or more bills rendered by Mann & Zarpas, LLP for an unreasonable period of time and the attorney-client relationship between said attorneys and Applicant has degenerated to the position where it has become untenable for Applicant and its attorneys to work together as attorney and client in this matter any more. The requesting attorneys have complied with 37 C.F.R. § 10.40 (a) by obtaining ample time for Applicant to retain new counsel, answer the Notice of Opposition, conduct discovery and prepare for trial.

37 C.F.R. § 10.40(c) (1) (vi) provides grounds for permissive withdrawal of a legal practitioner in a Board proceeding where the client has failed to pay one or more bills

rendered by the practitioner for an unreasonable period of time. In this case, the Applicant and attorneys have not been able to agree upon the appropriate fees to be paid for the upcoming litigation services. This explanation is being kept as general as possible in order to retain an appropriate level of confidentiality.

37 C.F.R. § 10.40(c) (6) provides an additional ground for permissive withdrawal where, as here, the practitioner believes in good faith that the Office will find the existence of other good cause for withdrawal. Here, the relationship between attorney and client has deteriorated to the extent that the practitioner can no longer represent the Applicant due to disputes with the client over billing issues that have been going on for several months. The dispute regarding the billing led to a breakdown in the attorney client relationship such that it is no longer in the best interest of the client to be represented by Mann & Zarpas, LLP.

The requesting attorneys have complied with the requirements of 37 C.F.R. § 10.40 (a). Prior to filing this request, the requesting attorneys obtained orders of the Board extending the time for Applicant to file its Answer to the Opposition as well as extensions of the discovery and testimony periods. In particular, on November 9, 2007, the requesting attorneys filed two Consent Motions in this proceeding, both of which were granted by the Board the same day. The result of the granting of those two Consent Motions is that Applicant now has until January 20, 2008 to file its Answer to the Notice of Opposition, discovery will close on April 29, 2008, Opposer's testimony period will close on July 28, 2008. Applicant's testimony period will close on September 26, 2008 and Opposer's rebuttal period will close on November 10, 2008.

On November 19, 2007, the requesting attorneys gave written notice to Applicant of

the above Answer, discovery and testimony periods dates by letter delivered by messenger to the principal place of business of Applicant and addressed to the attention of Mickey Sachdeva, President. That written notice also told Applicant that the requesting attorneys were withdrawing as Applicant's attorneys in this proceeding, that this Request to Withdraw as Attorney would be filed with the Board, recommended to Applicant that it retain other counsel immediately, notified Applicant that failure to file a timely Answer would result in default and failure to comply with the above referenced discovery and testimony periods dates could result in losses of rights, the mark in issue and the entire proceeding. All of the Applicant's papers and files pertaining to this proceeding and the underlying application for the mark in question were simultaneously delivered to Applicant with the above-mentioned written notice. No refund of any fees paid in advance was required because Applicant had not paid any fees in advance.

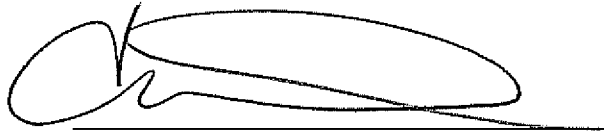
The Applicant now has ample, reasonable and sufficient time to retain new counsel for this proceeding, and if Applicant acts as it now should, there will be ample, reasonable and sufficient time for new counsel to prepare and file a timely Answer and conduct discovery before the close of discovery in the second quarter of next year. The requesting attorneys have therefore taken reasonable steps to avoid prejudice to Applicant's rights.

By reason of all the foregoing, Applicant's attorneys have complied with 37 C.F.R. § 10.40(a) and have good grounds for permissive withdrawal under 37 C.F.R. § 10.40 (c). See also TBMP §§ 116.01, 116.02, 116.04 and 116.05. Those provisions of the TBMP have likewise been complied with.

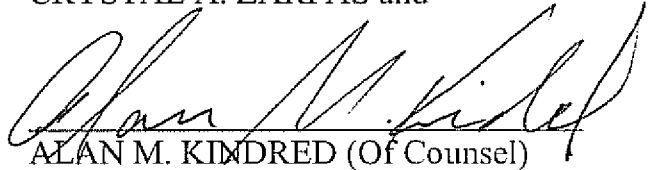
Applicant's attorneys should therefore be permitted to withdraw from the above captioned proceeding, and they so request.

Dated: November 19, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crystal A. Zarpas', written over a horizontal line.

CRYSTAL A. ZARPAS and

A handwritten signature in black ink, appearing to read 'Alan M. Kindred', written over a horizontal line.

ALAN M. KINDRED (Of Counsel)

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